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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 PAMELA BENSON,

12 Plaintiff,

13 vs.

14 NEVADA RESTAURANT SERVICES,
INC. dba DOTTY'S, a domestic
15 corporation; DOE INDIVIDUALS 1
THROUGH 300; AND roe business or
16 governmental entities 1 through 300,
inclusive,

17 Defendants.
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Case No.: 2:18-cv-01157 –APG-CWH

**STIPULATION AND ORDER TO SET
DEADLINE FOR PLAINTIFF TO FILE
SECOND AMENDED COMPLAINT AND
DEFENDANT TO ANSWER PLAINTIFF'S
SECOND AMENDED COMPLAINT**

(First Request)

19 Defendant Nevada Restaurant Services, Inc. dba Dotty's ("Defendant") by and through its
20 counsel, Jackson Lewis P.C., and Plaintiff Pamela Benson ("Plaintiff") by and through her
21 counsel, Mullins & Trenchak, hereby stipulate and agree to set the deadlines for Plaintiff to file
22 her Second Amended Complaint and Defendant to file an answer to Plaintiff's Second Amended
23 Complaint as follows:

- 24 1. On September 10, 2018, Plaintiff filed a First Amended Complaint (ECF No. 13).
25 2. On September 19, 2018, the parties filed a Stipulation and Order to Dismiss
26 Defendants Craig Estey, Paula Graziano, and Robert Swadkins Without Prejudice, and to Dismiss
27 Plaintiff's Fourth Cause of Action (Civil Conspiracy), Fifth Cause of Action (Concert of Action),
28 and Eighth Cause of Action (Negligent Infliction of Emotional Distress) Without Prejudice (ECF

1 No. 14), which the Court granted on September 19, 2018 (ECF No. 15).

2 3. On September 21, 2018, the parties mistakenly filed a Stipulation and Order to
3 Extend Time for Defendant to Answer or Otherwise Respond to Plaintiff's First Amended
4 Complaint (ECF No. 17), requesting Defendant have through and including October 1, 2018 to
5 file its answer, which the Court granted on September 25, 2018 (ECF No. 18).

6 4. However, before Defendant can file an answer, Plaintiff must file a Second
7 Amended Complaint to ensure that the operative complaint is consistent with the Court's Order
8 on September 19, 2018, dismissing certain parties and claims (ECF No. 15).

9 5. The parties have agreed that Plaintiff may have two weeks, through and including,
10 October 15, 2018, to file the Second Amended Complaint to make it conform with the September
11 19, 2018 parties' stipulation (ECF No. 14) and Court's Order (ECF No. 15).

12 6. Defendant shall have seven (7) days, up to and including October 22, 2018, to file
13 an answer to Plaintiff's Second Amended Complaint.

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7. This stipulation and order is sought in good faith and not for the purpose of delay.

No prior such request has been made.

Dated this 1st day of October, 2018.

JACKSON LEWIS P.C.

MULLINS & TRENCHAK

/s/ Daniel I. Aquino

/s/ Philip Trenchak

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ORDER

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

Dated: October 2, 2018